

SEP 19 2006

Remarks

Claims 1-7 are pending in this application. Claims 1-7 stand rejected by Berg et al. (U.S. Patent Publication No. 2002/0188481; hereafter "Berg"). The prior art rejections are addressed below.

Rejections under 35 U.S.C. 102

Claims 1-7 were rejected under 35 USC 102(e) as being anticipated by Berg. These rejections are respectfully traversed.

To anticipate a claim, a reference must teach each and every element of the claim: "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See MPEP 2131.

Although applicants' disagree with the Office's characterization of "digital identity," one unique tangible result of the "digital identity" afforded by the present invention is that the External-Entity is able to receive "digital identity" from the user (as opposed to being distributed by an intermediate marketplace) without compromising any of the user's personal information. Claim 1 has been amended to clarify that "the External-Entity forwards digital identity received from a User."

Contrary to the present invention, nowhere does Berg disclose that the seller receives digital identity from the buyer and forwards the received digital identity to the Central-Entity (as set forth on page 4 of applicants' previous response). Rather, Berg discloses that both buyers and sellers submit their security credentials to an *intermediate marketplace* [0034]. Specifically, Berg does not teach or suggest: "whereby the External-Entity forwards digital identity received from a User to the Central-Entity for authentication" as set forth in claim 1, or similarly, where "The External-Entity requests the user to authenticate himself using his digital identity," "The user submits his SecureCode as part of the digital identity in response to External Entity's request," and "The External-Entity forwards the user's digital identity ... to the Central-Entity" as set forth step-by-step in claim 5. (Emphasis added). With particular reference to method claim 5, nowhere can applicants' find where the seller of Berg actively "requests" the buyer to authenticate himself; where the buyer actively "submits" his SecureCode as part of the digital identity "in response to" the seller's request; and where the seller actively "forwards" the digital identity to the JV Authority. (Since applicants' are unable to find all of these features in the paragraphs cited in the office action, applicants' respectfully request that the Office specifically show where these features are necessarily present in Berg.)

Applicants' maintain that Berg fails to anticipate each and every element of the claims as is the statutory threshold for a prima facie rejection under 35 U.S.C. § 102(e). Accordingly, applicants' submit that claims 1 and 5 and their dependents are allowable over the prior art and request that the final rejection be withdrawn.

Conclusion

Applicants' respectfully request reconsideration of the claim rejections based on the above amendments and remarks. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. If the examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (571) 228-2938.

Dated: 08/19/2006

Respectfully submitted,

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